IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**WRIT PETITION NO.23284 of 2004**

Between:

Bale Saheb Azmatullah, S/o.Bale Bahed Saifullah,
R/o.H.No.10-4-165, Mamillagudem, Dist: Khammam.

**..... PETITIONER**

AND

Union of India, rep. by the Regional Passport Officer, Office of the Regional Passport Authority for A.P.,
Secunderabad.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue writ or direction particularly Writ of Mandamus declaring the action of the respondent in not issuing the fresh passport by correcting the wrong date of birth of 22nd June, 1975 to 2nd June, 1981 by taking back the passport of the petitioner No.A 3963427, dt. 21st Oct. 1997 and to issue fresh passport, in pursuance of the application dt.22nd Nov., 2004 as illegal, high handed.

**Counsel for the Petitioner: MR.BAJRANG SINGH THAKUR**

**Counsel for the Respondent: MR. A. RAJASHEKAR REDDY (SC FOR CG)**

**The Court at the stage of admission made the following:**

**ORDER:**

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Central Government for the respondent-Passport Authority.

It is the case of the petitioner that his actual date of birth is 02.06.1981, but in the Passport issued to him by the respondent, his date of birth is wrongly mentioned as 22.06.1975, and that though he made a representation to the respondent on 22.11.2004 to alter his date of birth in the Passport and issue fresh passport the respondent is refusing to entertain the application on the ground that there is no Court order to make correction of date of birth in the Passport. The petitioner, therefore, filed the present writ petition praying to direct the respondent to entertain his application for correction of date of birth and issue fresh Passport.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated
18-4-2001, which are to the following effect:

a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

c. Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the

PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

As of today, if any request for correction of date of birth in the Passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In that view of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent is directed to consider the application of the petitioner dated 22.11.2004 for correction of date of birth in the Passport/issuance of fresh Passport, and process the same after verifying the genuineness or otherwise thereof basing on the documents the petitioner may file in support of his case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

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**(N.V. RAMANA, J)**

Date: 15.12.2004

Nsr/Bsc

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Union of India, rep. by the Regional Passport Officer, Office of the

Regional Passport Authority for A.P.,
Secunderabad.

2. Two CD copies.